IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 3376 OF 2007

Smt.Muktabai Bhaskar Derle. ... Applicant.

V/s.

The State. ... Respondent.

M.S.Karnik for the applicant.

U.V.Nikam, A.P.P. for the State.

CORAM: V.C.DAGA, J.

DATED: 24th October 2007.

P.C.:

. Heard learned counsel for the applicants and learned A.P.P. for the State.

2. By this application under section 438 of Code of Criminal Procedure, 1973, the applicant is seeking anticipatory bail in connection with C.R.No.81/2007 registered with Niphad Police Station, Nashik for the offences punishable under sections 498-A, 323, 504 read with section of 34 of Indian Penal Code.

3. The present applicant is the mother-in-law of the deceased. The offence alleged pertains to the ill treatment to the deceased wife. The marriage was

taken place on 17th April, 2003. The prosecution case is that the present applicant and the husband of deceased wife harassed her. In both the dying declarations, the deceased has stated that she set herself on fire due to ill treatment meted to her by her husband and mother-in-law.

4. The present applicant being woman of advanced age, can be considered so far as grant of bail is concerned. Apart from this, immediately after the incident reported on 20th July, 2007, she was arrested and granted police custody. She was, thereafter, granted bail and since then she is on bail. Her statement was recorded. In that view of the matter, no further custody of the applicant is necessary.

5. In the above view of the matter, I am inclined to grant pre-arrest bail to the applicant, subject to the following conditions:

(a) In the event of arrest of the applicant in connection with C.R.No.81/2007 registered with Niphad Police Station, Nashik, she shall be released on bail of Rs.10,000/- with one surety to make up the said amount.

(b) The applicant shall report to the

concerned police station as when called and shall co-operate with the investigating agency.

(c) The applicant shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(d) This order of anticipatory bail shall operate till the filing of the chargesheet. After filing of chargesheet, it would be open for the applicant to apply for regular bail before regular court.

(e) It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

6. Application stands disposed of accordingly.

JUDGE